

Senate Bill No. 1066

Passed the Senate August 25, 2010

Secretary of the Senate

Passed the Assembly August 23, 2010

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 6126 of, and to add Section 5040 to, the Penal Code, relating to corrections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1066, Oropeza. Corrections: Inspector General.

Existing law establishes the office of the Inspector General, and charges the Inspector General with various duties and responsibilities. Existing law establishes the Department of Corrections and Rehabilitation, and charges it with various duties and responsibilities.

This bill would require the Inspector General to oversee, and the Department of Corrections and Rehabilitation to oversee and conduct, periodic and random searches of employees and vendors entering the secure perimeter of the state prisons under the jurisdiction of the department for contraband, and to report to the Inspector General quarterly regarding those searches, as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 5040 is added to the Penal Code, to read:

5040. (a) The Department of Corrections and Rehabilitation shall oversee and conduct periodic and random searches of employees and vendors entering the secure perimeter of state prisons under the jurisdiction of the department for contraband. These searches shall include random searches of property, personal or otherwise, brought into the prison by those individuals. These searches shall be conducted at each institution at least once per month. The department shall provide the Inspector General with a minimum of three working days notice prior to the date of those random searches the department plans to conduct.

(b) (1) The department shall provide a written report to the Inspector General at least quarterly detailing the following:

- (A) The names of the prisons where the searches took place.
- (B) The dates of the searches.
- (C) The shifts during which the searches took place.
- (D) The number of employees searched.

- (E) The number of vendors searched.
- (F) The number of cell phones discovered.
- (G) The number of items of portable computer equipment found, including, but not limited to, iPods, MP3 players, DVD players, CD players, CDs, and portable video game players.
- (H) Tobacco products found.
- (I) Illegal substances found, broken out by type of substance.
- (2) The report shall include a section detailing the actions taken as a result of the discovery of contraband possessed by an employee or vendor and the results of any disciplinary process resulting from the discovery of contraband.

SEC. 2. Section 6126 of the Penal Code is amended to read:

6126. (a) (1) The Inspector General shall review departmental policy and procedures, conduct audits of investigatory practices and other audits, be responsible for contemporaneous oversight of internal affairs investigations and the disciplinary process, and conduct investigations of the Department of Corrections and Rehabilitation, as requested by either the Secretary of the Department of Corrections and Rehabilitation or a Member of the Legislature, pursuant to the approval of the Inspector General under policies to be developed by the Inspector General. The Inspector General may, under policies developed by the Inspector General, initiate an investigation or an audit on his or her own accord.

(2) The Inspector General shall audit each warden of an institution one year after his or her appointment, and shall audit each correctional institution at least once every four years. Each audit of a warden shall include, but not be limited to, issues relating to personnel, training, investigations, and financial matters. Each four-year audit shall include an assessment of the maintenance of the facility managed by the warden. The audit report shall include all significant findings of the Inspector General's assessment of facility maintenance. These audit reports shall be provided to the Legislature and shall be made public. The requirements of this paragraph shall be phased in by the Inspector General so that they are fully met by July 1, 2009.

(3) The Inspector General shall oversee, at a minimum, 11 of the department's searches pursuant to Section 5040 each year. Nothing in this paragraph shall be interpreted to allow the Inspector General to direct the department regarding when the random

searches shall take place, to allow the Inspector General to direct the department regarding how the random searches shall be carried out, or as requiring the Inspector General's approval prior to the department conducting the random searches.

(b) Upon completion of an investigation or audit, the Inspector General shall provide a response to the requester.

(c) The Inspector General shall, during the course of an investigatory audit, identify areas of full and partial compliance, or noncompliance, with departmental investigatory policies and procedures, specify deficiencies in the completion and documentation of investigatory processes, and recommend corrective actions, including, but not limited to, additional training with respect to investigative policies, additional policies, or changes in policy, as well as any other findings or recommendations that the Inspector General deems appropriate.

(d) The Inspector General, pursuant to Section 6126.6, shall review the Governor's candidates for appointment to serve as warden for the state's adult correctional institutions and as superintendents for the state's juvenile facilities.

(e) The Inspector General shall, in consultation with the Department of Finance, develop a methodology for producing a workload budget to be used for annually adjusting the budget of the Office of the Inspector General, beginning with the budget for the 2005–06 fiscal year.

Approved _____, 2010

Governor